

Southern Resident Killer Whales Advance Notice of Proposed Rulemaking



*NOAA Fisheries
Northwest Region
7600 Sand Point Way NE
Seattle, WA 98115*



Overview

- Background
- Current Guidelines and Regulations
- Request for Information and Comments
 - Preliminary list of options



Southern Resident Killer Whales

- Listed as endangered under the Endangered Species Act (ESA)
- Designated as depleted under the Marine Mammal Protection Act (MMPA)
- Listed as endangered by WA state
- Listed as endangered under Species at Risk Act (SARA) in Canada

Vessels and Southern Residents

- Southern Residents live in waters with significant vessel activity
- Vessel effects and sound cited as potential factor in endangered listing under ESA

Photo: Jeff Hogan

Research

- Short-term behavioral changes
 - Less predictable path, changes in dive patterns, surface active behaviors or foraging activity
- Masking of echolocation, communication
 - Louder calls, reduced detection
- Vessel strikes
 - Injury or death



Photo: Kari Koski



Photo: NOAA

Recovery Plan

- Minimize disturbance from vessels
 - Monitor vessel activity around whales
 - Continue evaluation and improvement of voluntary whale watching guidelines
 - Evaluate the need for regulations or areas with vessel restriction

Proposed Recovery Plan

for

Southern Resident Killer Whales (*Orcinus orca*)



Prepared by
National Marine Fisheries Service
Northwest Regional Office

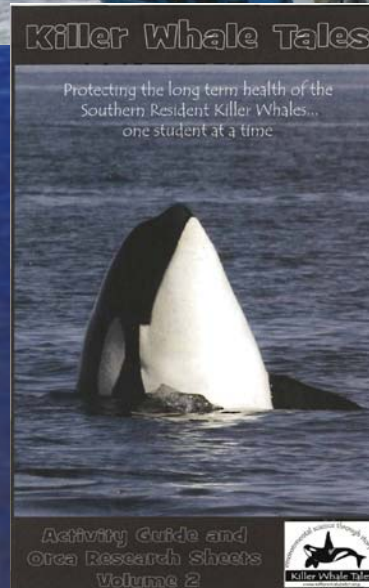


Current Protections

- MMPA and ESA prohibit “take”
 - Harass, hunt, capture, or kill any marine mammal
 - Harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any endangered species
- “Be Whale Wise” guidelines inform boaters, paddlers and viewers how to watch animals without causing harassment or disturbance
- Voluntary no-boat areas off San Juan Island

Outreach

Photo: Kari Koski



Be Whale Wise

Marine Wildlife Guidelines for Boaters, Paddlers and Viewers (Revised 2006)



Guidelines:

1. BE CAUTIOUS and COURTEOUS: approach areas of known or suspected marine wildlife activity with extreme caution. Look in all directions before planning your approach or departure.
2. SLOW DOWN: reduce speed to less than 7 knots when within 400 metres/yards of the nearest whale. Avoid abrupt course changes.
3. KEEP CLEAR of the whales' path. If whales are approaching you, cautiously move out of the way.
4. DO NOT APPROACH whales from the front or from behind. Always approach and depart whales from the side, moving in a direction parallel to the direction of the whales.
5. DO NOT APPROACH or position your vessel closer than 100 metres/yards to any whale.
6. If your vessel is not in compliance with the 100 metres/yards approach guideline (#5), place engine in neutral and allow whales to pass.
7. STAY on the OFFSHORE side of the whales when they are traveling close to shore.
8. LIMIT your viewing time to a recommended maximum of 30 minutes. This will minimize the cumulative impact of many vessels and give consideration to other viewers.
9. DO NOT swim with, touch or feed marine wildlife.

Bow and stern-riding porpoises and dolphins:

1. DO NOT drive through groups of porpoises or dolphins to encourage bow or stern-riding.
2. Should dolphins or porpoises choose to ride the bow wave of your vessel, avoid sudden course changes. Hold course and speed or reduce speed gradually.

Seals, sea lions and birds on land:

1. BE CAUTIOUS and QUIET when around haul-outs and bird colonies, especially during breeding, nesting and pupping seasons (generally May to September).
2. REDUCE SPEED, minimize wake, wash and noise, and then slowly pass without stopping.
3. AVOID approaching closer than 100 metres/yards to any marine mammals or birds.
4. PAY ATTENTION and move away, slowly and cautiously, at the first sign of disturbance or agitation.
5. DO NOT disturb, move, feed or touch any marine wildlife, including seal pups. If you are concerned about a potentially sick or stranded animal, contact your local stranding network where available.

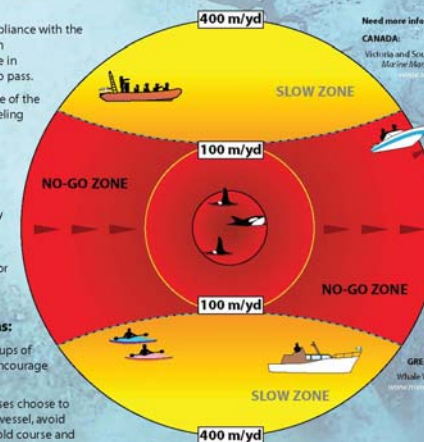
Marine Protected Areas, Wildlife Refuges, Ecological Reserves and Parks:

1. CHECK your nautical charts for the location of various protected areas.
2. ABIDE by posted restrictions or contact a local authority for further information.

To report a marine mammal disturbance or harassment:

CANADA:
Fisheries and Oceans Canada: 1-800-853-4136
US:
NOAA Fisheries, Office for Law Enforcement: 1-800-853-1964

To report marine mammal sightings:
BC Cetacean Sightings Network (BCSNet): www.bcsnet.ca or 1-866-158W-096
The Whale Museum Hotline (NH state): www.whalemuseum.org or 1-800-562-6832
Orca Network (NH state): www.orcanetwork.org or 1-866-ORCA-NET



Need more information?

CANADA:
Victoria and Southern Gulf Islands:
Marine Mammal Monitoring Project (M3P)
or 250-383-2006

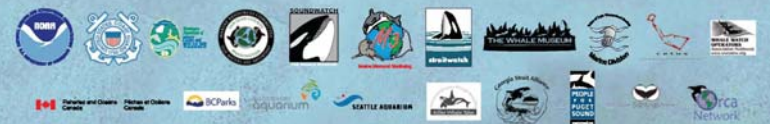
Halifax Strait and Northern Vancouver Island:
Shelagh Smith
or 250-976-7064

Robson Bight/Glacier Bay Ecological Reserve:
Robson Bight/Glacier Bay Ecological Reserve
Fisheries and Oceans Canada
www.pac.dfo-mpo.gc.ca

US:
Washington State: Haro Strait Region:
Southern Resident Education Program
www.srep.org or 360-378-4710
NOAA Fisheries, Northwest Region:
www.nwr.noaa.gov

NOAA Fisheries, Office of Protected Species:
www.nwr.noaa.gov or www.nwr.noaa.gov

GREATER VICTORIA AND WASHINGTON STATE:
Whale Watch Operators Association NW:
www.whalewatchnw.org



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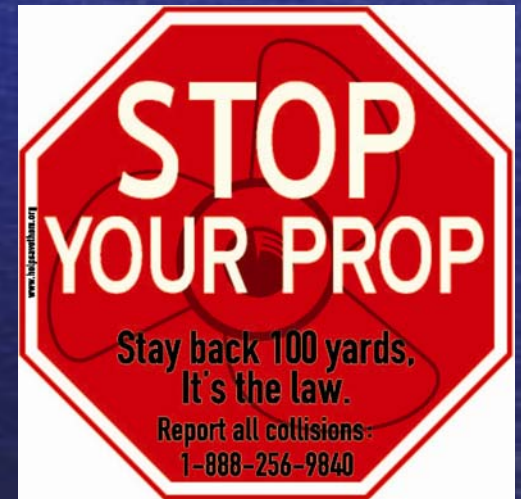
- Despite regulations, guidelines and outreach efforts, interactions continue
- Growing body of research regarding effects of vessels
- Comment letters from Marine Mammal Commission, research community, environmental groups and members of the public



Photo: Jeff Hogan

Advance Notice of Proposed Rulemaking

- Implement actions in Proposed Recovery Plan
- Regulations effective for other endangered species
 - Humpback whales in Hawaii and Alaska
 - Approach within 100 yards prohibited
 - Slow, safe speed
 - North Atlantic right whales
 - Approach within 500 yards prohibited



Available Information

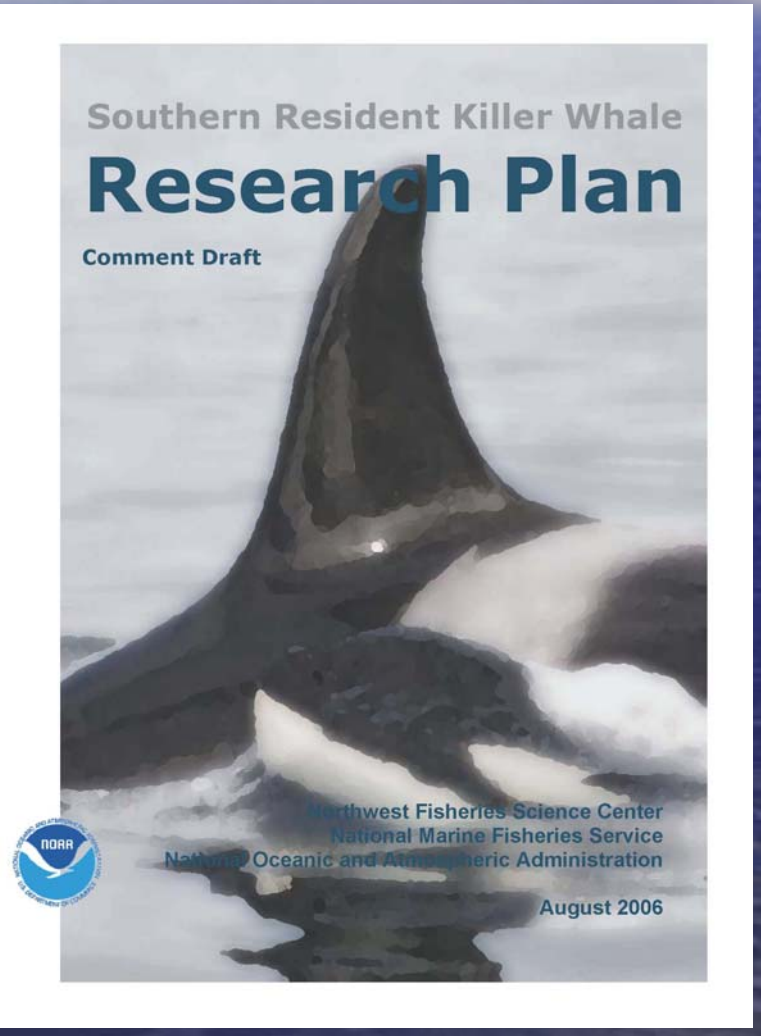
- Scientific journal articles
 - list of references in ANPR on web

<http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Killer-Whales/ESA-Status/Orca-Vessel-Regs.cfm>
- Research reports
 - NWFSC web page

http://www.nwfsc.noaa.gov/research/divisions/cbd/marine_mammal/research.cfm
- Soundwatch monitoring reports

Coordination

- Enforcement
 - NOAA, WDFW and Coast Guard
- Transboundary species requires coordination with DFO, Canada
- Coordination with research community and NWFSC
 - Research to inform management actions



Ongoing/Future Projects

- Continued research on vessel effects
- Review of sound exposure
- Social science study of whale watch industry
- Compliance study

Request for Information

Preliminary Options

- Codify Be Whale Wise guidelines
- Establish minimum approach rule
- Prohibit vessel activities of concern
- Establish time-area closures
- Operator permit or certification programs

Request for Information

Specific comments requested

- Advisability and need for regulations
- Scope of regulations
- Management options (not limited to preliminary options)
- Scientific and commercial data on effects
- Potential economic impacts
- Any additional relevant information

How to comment

The ANPR and references are available at our web site: nwr.noaa.gov

Best method, submit written comments

- By Mail: Assistant Regional Administrator
Protected Resources Division
7600 Sand Point Way NE
Seattle, WA 98115
- By E-mail: orca.plan@noaa.gov

For further information

- Lynne Barre (206) 526-4745

Next Steps

Review comments and information received during comment period

Proposed Rule?

Any rulemaking would include additional analyses and public comment period

Questions?

<http://www.nwr.noaa.gov/>

Orca.plan@noaa.gov